

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Election

The applicant elects the invention of group I which includes claims 1-3, 6-12, 14 and 22. This election is made without traverse. The applicant hereby withdraws claim 23 without prejudice or disclaimer, and reserves the right to file the non-elected invention in a divisional application.

2. In the claims

Claim 1 is amended to recite the subject matter of claim 7. Claim 7 is therefore cancelled without prejudice or disclaimer.

Claims 1 and 22 are amended to recite that at least one of the first and second outermost surfaces of the silicone-based facing layer is in a partially cured state. Support for this amendatory language is found in the specification at least at page 30, second full paragraph. These claims no longer indicate that the silicone gel is "cross-linked" in view of the limitation of one of the outermost surfaces being in a partially cured state.

Other minor changes have been made to claims 1 and 22 to more clearly recite the subject matter for which protection is sought.

New claim 24 recites that the apertures of the facing layer have a diameter within the range of 0.05 to 1.0 mm, and have a density of 50 to 350 apertures/cm². Support for this language is found in the specification at page 22, first full paragraph.

a. Rejection of claim 22 under 35 U.S.C. § 112, first paragraph

Claim 22 is currently amended to recite that the thickness of the facing layer at the non-apertured regions consists the silicone gel. Support for this subject matter is widely found throughout the drawings and the specification which clearly describe the thickness of the facing layer as comprising only the silicone material.

It is submitted that the amendment to claim 22 resolves the issue regarding 35 U.S.C. § 112, first paragraph. Withdrawal of this rejection is respectfully requested.

b. Rejection of claim 1 under 35 U.S.C. § 112, second paragraph

Claim 1 is amended to clarify that the facing layer consists a silicone gel and a skin treatment agent selected from the group consisting of aloe vera and petroleum jelly. It is submitted that this amendment resolves the issue regarding U.S.C. § 112, first paragraph. Withdrawal of this rejection is respectfully requested.

Acknowledgment of entry of the amendment to the claims is respectfully requested in the next Office communication.

3. Rejection of claims 1-3, 6-11 and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent application publication 2006/0129081 (*Binder*) in view of U.S. patent 6,207,875 (*Lindqvist*) and U.S. patent 6,485,776 (*Janusson*)

Reconsideration of this rejection is kindly requested in view of the amendment to claim 1, from which the remaining claims of this rejection depend.

Nowhere in the proposed combination of *Binder*, *Lindqvist* and *Janusson* is there any description or particular understanding of forming a silicone based facing layer having a outermost surface which is in a partially-cured state. The specification of the pending application explains that the partially cured surface is advantageous in that it permits transfer to an absorbent core or other substrate (e.g., page 29, third paragraph through page 31, first paragraph).

It will be noted that the specification clearly defines “partially cured” silicone beginning at least at page 25, fourth paragraph extending through page 26.

Accordingly, it is submitted that claims 1-3, 6-11 and 14 are not *prima facie* obvious over the proposed combination of *Binder*, *Lindqvist* and *Janusson*. These same observations equally apply to claim 22. Accordingly, withdrawal of this rejection is respectfully requested.

4. Rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent application publication 2006/0129081 (*Binder*) in view of U.S. patent 6,207,875 (*Lindqvist*) and U.S. patent 6,485,776 (*Janusson*), and further in view of U.S. patent 6,461,467 (*Blatchford*)

Reconsideration of this rejection is kindly requested in view of the amendment to claim 1 from which claim 12 depends. It is submitted that *Blatchford* fails to make up for the basic shortcomings of *Binder*, *Lindqvist* and *Janusson* in teaching a silicone based facing layer having an outermost surface which is in a partially-cured state.

Accordingly, withdrawal of this rejection is respectfully requested.

5. Conclusion

In view of the amendments to the claims, and the foregoing observations, it is courteously submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080

Date: May 5, 2008

Respectfully submitted,

/Justin J. Cassell/

JUSTIN J. CASSELL
Attorney for Applicant
Registration No. 46,205